

GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

Labour Employment Training & Factories Department – Insurance Medical Services –
Bharateeya Vidya Kendram, Visakapatnam – Grant of exemption from E.S.I. coverage
under section 87 of E.S.I. Act, 1948 – Rejected – Orders – Issued.

LABOUR EMPLOYMENT TRAINING & FACTORIES (IMS) DEPARTMENT
G.O.Rt.No. 48

Dated:13.01.2011

Read the following:-

1. Exemption application dated 14.02.2009 of Bharateeya Vidya Kendram.
2. From the Dy. Director, ESIC, Hyd Lr.Rc.No.52-Z/17/12/2010/VSP/
PICI/Misc.Imp., dated 01.07.2010.
3. From the DIMS Lr.Rc.No.12628/P1/2008, dated:0.09.2010.

ORDER:

In the reference 1st read above,. the Secretary, Bharateeya Vidya Bhavan has stated that their institution is a charitable educational organization registered under Societies Registration Act as No.6/1962. The organization running educational institutions by charities / donations from Philanthropists and donors to serve the society through education. The staff members are covered under Arogya Sree Scheme. The institution providing medical facilities to all the teachers and staff through Vivekananda Medical Trust and providing Provident Fund, LIC policies, Mediclaim, Medical Maternity leave with pay etc., The institution has stated that the ESI Hospitals are located very far away and are not accessible to their staff and all the staff members voluntarily requested the management in writing that they are not willing to join with ESI Scheme. He has requested the Government to exempt their educational institutions from the operation of the ESI Act.

2. In the reference 2nd read above, the Regional Director, ESI Corporation has informed that the exemption to Bharateeya Vidya Kendram, Visakhapatnam cannot be recommended as the benefits provided by the employer are not superior or equal to the benefits provided by the ESI Corporation.

3. In the reference 3rd read above, the Director of Insurance Medical Services, A.P., Hyderabad' has stated that the Exemption Committee in its meeting held on 31.08.2010, and the committee has stated that "As per views received from O/o. R.D, ESI Corporation, Hyderabad, the benefits provided by the employer are neither similar nor superior to the benefits provided by the ESI Corporation. A comparative analysis of benefits provided with the views emphasizes that the employer does not have any benefit including medical and other cash benefits comparable to the benefits provided under the Act. Therefore as per amended provisions under Section 87 of the ESI Act, effective from 01.06.2010, exemption, can be granted only if the employees are in receipt of substantially similar or superior benefits. Considering the facts of the case, the Committee has unanimously recommended not to exempt the unit from the provisions of the Act.

4. Government, after careful examination of the recommendations of the Standing Committee for Exemptions, hereby reject the request of the Bharateeya Vidya Kendram, Visakhapatnam for grant of exemption to the employees from the coverage of section 87 of E.S.I. Act, 1948, as it was found that the scale of benefits by the employer to the employees are neither similar nor superior of benefits provided under the ESI Act, 1948.

5. The Director of Insurance Medical Services, A.P., Hyderabad' is requested to take necessary action in the matter accordingly.

(BY ORDER AND IN THE NAME OF GOVERNOR OF ANDHRA PRADESH)

D. SREENIVASULU
SECRETARY TO GOVERNMENT

To
The Director of Insurance Medical Services, Andhra Pradesh, Hyderabad.
Copy to
The Secretary, Bharateeya Vidya Kendram,
D.No.49-12-18, Lalithanagar, Visakhapatnam-530 016.
The Regional Director, ESI Corporation, Hyderabad.
PA to Joint Secretary to Govt., LET & F Department.

//FORWARDED : : BY ORDER//

SECTION OFFICER